

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GREGORY DONNELLY,

Petitioner,

v.

BERNARD BRADY,

Respondent.

Civil Action No. 04-12706-RWZ

**RESPONDENT’S MOTION FOR AN ENLARGEMENT
OF TIME IN WHICH TO FILE SUPPLEMENTARY BRIEF**

Respondent Bernard Brady (the “Respondent”), hereby respectfully moves this Court to enlarge by nine (9) days, until August 26, 2005, the time in which he must file his Supplementary Brief in support of his Motion to Dismiss the Habeas Corpus Petition (the “Petition”) filed by Petitioner Gregory Donnelly (the “Petitioner”). The Supplementary Brief is currently due on August 17, 2005, pursuant to this Court’s Order of July 14, 2005. In support of this Motion, the Respondent states as follows:

1. The Petition was filed in this Court by the Petitioner on December 28, 2004. The Petition arises from a 1993 conviction in the Middlesex County, Massachusetts, Superior Court.
2. On April 15, 2005, the Respondent moved to dismiss the Petition with prejudice on the grounds that the Petitioner’s habeas corpus action was barred by the applicable statute of limitations.
3. The Petitioner filed an opposition to the Respondent’s Motion to Dismiss on May 16, 2005, and he filed an additional letter to the Court concerning his habeas corpus action on July 8, 2005.

4. On July 14, 2005, this Court ordered the Respondent to file a Supplementary Brief in support of his Motion to Dismiss by August 17, 2005. The Court indicated that such a brief should outline the chronology of the several state prosecutions against the Petitioner and should include certain specific types of information.

5. Among that which the Court has directed the Respondent to include in his Supplementary Brief is information concerning prosecutions of the Petitioner dating back to 1980, as well as information concerning the time served by him in confinement or on probation or parole over the course of the last twenty-five years. The Respondent has not yet been able to obtain all the information called for by the Court's July 14, 2005 Order.

6. In addition to the foregoing, the undersigned counsel maintains a sizable caseload and, since the issuance of the Court's July 14, 2005 Order, has been required to devote substantial time to responsibilities in other cases, including the filing of briefs to the United States District Court and the United States Court of Appeals for the First Circuit, and deposition and discovery practice in connection with federal and state civil actions.

7. Moreover, the undersigned counsel is currently outside of Massachusetts obtaining advanced, substantive legal training.

8. As a result of all of the foregoing, an enlargement of time would enable the Respondent to prepare a Supplementary Brief that more thoroughly and effectively aids the Court.

9. The Respondent has made no previous request for an enlargement of time within which to file his Supplementary Brief.

10. Allowance of this Motion will further the interests of justice and will not prejudice any party.

WHEREFORE, the Respondent requests that this Court enlarge by nine (9) days, to August 26, 2005, the time in which he must file his Supplementary Brief in support of his Motion to Dismiss.

Respectfully submitted,

THOMAS F. REILLY
Attorney General

/s/ Randall E. Ravitz

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Dated: August 17, 2005

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served on August 17, 2005, by first class mail, postage prepaid, upon Pro Se Defendant Gregory Donnelly at the following address:

Middlesex House of Correction
269 Treble Cove Road
Billerica, MA 01862

/s/ Randall E. Ravitz

Randall E. Ravitz